IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 3RD JANUARY 2007 /13TH POUSHA, 1928

WP(C).No. 207 of 2007(Y)

PETITIONER:

C.SANTHAMMA,
M/S.VINOD GAS AGENCY,
KARTHIKA UTHRAM BUILDING,
NO.P.P.XII/1387, PUNNAMOODU,
BHAGAVATHY TEMPLE NADA, PALLICHAL P.O.,
THIRUVANANTHAPURAM-695 501.

BY ADV. SRI.D.S.SREEKUMARAN
SMT.T.S.MAYA (THIYADIL)
SRI.M.JAYAPRASAD

RESPONDENTS:

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1. REGIONAL PROVIDENT FUND COMMISSIONER,
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM-4.

2. ASSISTANT PROVIDENT FUND COMMISSIONER,
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM-4.

BY ADV. SMT.T.N.GIRIJA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.207 of 2007

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Dated this the 3rd day of January, 2007.

JUDGMENT

The petitioner's grievance is that the second respondent is proceeding to decide coverage and determination of actual liability for Provident Fund simultaneously. According to the petitioner, altogether 12 employees are engaged in the Gas agency for distribution and for other purposes, while the mahazar shows total number of employees as 25. Since petitioner's specific case is that if coverage is independently decided, she has a right of review or appeal and therefore, the same has to be determined first. In any case liability need be computed only if the coverage for the establishment is established with reference to number of employees. In the circumstances, W.P. is disposed of directing the second respondent to first consider coverage under Section 7A(1)(a) of the Employees' Provident Funds and Miscellaneous Provisions Act after hearing the petitioner and issue orders thereon and thereafter if petitioner is liable, second respondent will proceed to determine the contribution payable by the petitioner for the

employees, in a separate proceedings after issuing notice to the petitioner and after hearing the petitioner.

C.N.RAMACHANDRAN NAIR
Judge

pms